

## COUNTY OF FAIRFAX, VIRGINIA

### SPECIAL PERMIT RESOLUTION OF THE BOARD OF ZONING APPEALS

STEVEN R. DECKER, SP 2014-BR-132 Appl. under Sect(s). 8-914 of the Zoning Ordinance to permit an error in building location, to permit addition to remain 8.4 ft. from side lot line. Located at 5316 Pillow Ln., Springfield, 22151, on approx. 10,800 sq. ft. of land zoned R-3. Braddock District. Tax Map 79-2 ((3)) (14) 14. Ms. Theodore moved that the Board of Zoning Appeals adopt the following resolution:

WHEREAS, the captioned application has been properly filed in accordance with the requirements of all applicable State and County Codes and with the by-laws of the Fairfax County Board of Zoning Appeals; and

WHEREAS, following proper notice to the public, a public hearing was held by the Board on September 24, 2014; and

WHEREAS, the Board has made the following findings of fact:

1. The applicant is the owner of the property.
2. As the Board heard, there was a Notice of Violation that was sent to the applicant following a complaint for enclosure of what was an existing carport when he purchased the property. However, the carport did meet the Zoning Ordinance.
3. The applicant was not aware that enclosing the carport was a violation of the Zoning Ordinance, so through no fault of his own, the noncompliance was done in good faith.
4. The construction was done within the existing footprint of the existing carport at the time of purchase.
5. The applicant did not utilize a contractor. He did the construction himself.
6. This meets the other provisions of the Zoning Ordinance.

THAT the applicant has presented testimony indicating compliance with Sect. 8-006, General Standards for Special Permit Uses, and the additional standards for this use as contained in the Zoning Ordinance. Based on the standards for building in error, the Board has determined:

- A. That the error exceeds ten (10) percent of the measurement involved;
- B. The non-compliance was done in good faith, or through no fault of the property owner, or was the result of an error in the location of the building subsequent to the issuance of a Building Permit, if such was required;
- C. Such reduction will not impair the purpose and intent of this Ordinance;
- D. It will not be detrimental to the use and enjoyment of other property in the immediate vicinity;
- E. It will not create an unsafe condition with respect to both other property and public streets;

- F. To force compliance with the minimum yard requirements would cause unreasonable hardship upon the owner; and
- G. The reduction will not result in an increase in density or floor area ratio from that permitted by the applicable zoning district regulations.

AND, WHEREAS, the Board of Zoning Appeals has reached the following conclusions of law:

1. That the granting of this special permit will not impair the intent and purpose of the Zoning Ordinance, nor will it be detrimental to the use and enjoyment of other property in the immediate vicinity.
2. That the granting of this special permit will not create an unsafe condition with respect to both other properties and public streets and that to force compliance with setback requirements would cause unreasonable hardship upon the owner.

NOW, THEREFORE, BE IT RESOLVED that the subject application is **APPROVED**, with the following development conditions:

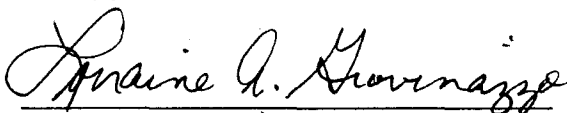
1. This special permit is approved for the location of the enclosed carport, as shown on the plat prepared titled, "Plat, House Location Lot 14, Section 8, Block 14, Ravensworth," prepared by Thomas G. Lutke, L.S., of NoVA Surveys, dated January 23, 2014.
2. All applicable permits and final inspections shall be obtained for the addition within 180 days of the approval of this application.

This approval, contingent upon the above-noted conditions, shall not relieve the applicant from compliance with the provisions of any applicable ordinances, regulations or adopted standards.

Pursuant to Sect. 8-015 of the Zoning Ordinance, this special permit shall automatically expire, without notice, 6 months after the date of approval unless construction has commenced and has been diligently prosecuted. The Board of Zoning Appeals may grant additional time to commence construction if a written request for additional time is filed with the Zoning Administrator prior to the date of expiration of the special permit. The request must specify the amount of additional time requested, the basis for the amount of time requested, and an explanation of why additional time is required.

Mr. Beard seconded the motion, which carried by a vote of 7-0.

A Copy Teste:



Lorraine A. Giovinazzo, Deputy Clerk  
Board of Zoning Appeals